

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13237 of 2020

Sridhar

... Petitioner/Single Accused

Vs.

The State represented by,
The Inspector of Police,
Kodavasal Police Station,
Thiruvarur District.
(Crime No.1465 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1465 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.08.2020 for the offences punishable under Sections 379 of IPC and 21(4) Mines and Minerals (Developments and Regulation) Act, 1957 in Crime No. 1465 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner had illegally transported half unit of river sand in TATA Ace, without any permit or valid licence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. On instruction, he would further submit that taking into consideration the Covid pandemic situation the petitioner without prejudice to his defence, is prepared to make considerable donation to any charitable Organization or Association, and that the petitioner has been suffering incarceration from 07.08.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had illegally transported half unit of river sand in TATA Ace without any valid licence or permit. Hence he vehemently opposes to grant bail to the petitioner. He would further submit that the petitioner has no previous cases.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 07.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Thiruvavarur, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the Petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-

31/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

5 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM.

CC to M/S J.JAWAHAR Advocate on payment of necessary charges

CRL OP.13237/2020

Date :31/08/2020

RVR 10/09/2020